

CITY OF RYE  
LOCAL LAW No. \_\_\_\_-2003

**A Local Law Amending Chapter 197, *Zoning*, of the Code of the City of Rye  
For the Purpose of Regulating the Scale, Size and Height of Residences**

Be it enacted by the City Council of Rye as follows:

**Section 1. Chapter 197, *Zoning*, Article I, *Definitions and Usage*, of the Code of the City of Rye is hereby amended to add the following definitions in alphabetical order:**

BASEMENT – A portion of a building partially underground but having more than half of its clear height below the average elevation of the adjoining ground. Clear height shall be measured from the finished floor to the finished ceiling, or in the event of an unfinished basement, from the floor to the bottom of the joists supporting the floor immediately above. Floors partially underground that existed prior to June 30, 2003<sup>1</sup> shall be considered basements where they meet the definition of “STORY, FIRST, GROUND OR LOWEST” as defined in this section.

FLOOR AREA RATIO (FAR) – The gross floor area of all buildings on a lot, including accessory buildings, divided by the total lot area.

PRE-EXISTING GRADE – The topographic elevation of a property that exists at the date of the submission of an application for a building permit or any application to any board or commission, which ever is earlier.

**Section 2. Chapter 197, *Zoning*, Article I, *Definitions and Usage*, of the Code of the City of Rye is hereby amended to amend the following definitions:**

ATTIC – ~~[A half story no part of the floor space of which is used, or designed or intended to be used, as a habitable room or bath or toilet room.]~~ [The area between the top of the ceiling joists of any story and the roof rafters].

BUILDING HEIGHT – The vertical distance from the average ~~[established]~~ [finished] grade [adjacent to the exterior walls of the building to the highest point of the roof, if the roof is flat or mansard, or to the average level between the eaves and the highest point of the roof, if the roof is of any other type] ~~[in front of the lot, or from the average natural grade at the building line, if higher, to the average height of the top of the cornice]~~

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<sup>1</sup> NOTE: The actual date may be changed to reflect the date this local law becomes effective.

~~of a flat roof, or to the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the midheight of such pitched, hipped or mansard roof.]~~

FLOOR AREA, GROSS – The sum of the gross horizontal areas of the several floors of the building, ~~[excluding basements and attics, except where regulated by §197-43.2]~~ ~~[excluding basement and attic floors used only for accessory use]~~. All horizontal dimensions shall be taken from the exterior faces of walls ~~[or other outer limits of roofed areas]~~. [See also §197-43.2 for the computing of gross floor area for single-family residences located in one-family districts (i.e. R-1 through R-6).]

STORY, FIRST, GROUND OR LOWEST – The story whose floor is not more than three feet below the average ground level at the exterior walls of the building, such ground level to be measured at the top of any areaways, except that any lower story used for residence other than for a janitor or caretaker or his family shall be deemed a ground story. [A basement shall not be considered a story.]

**Section 3. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:**

**§ 197-43.1. Floor Area Ratio for Oversized Properties.**

The floor area ratio for single-family residences located in one-family districts (i.e. R-1 through R-6) shall be reduced by one-half (½) of that specified in Article VIII, *Tables of Regulations*, Section 197-86 for that portion of a property exceeding one-hundred and fifty (150) percent, but less than two-hundred and fifty (250) percent of the minimum lot area for the district in which the property is situated. The floor area ratio shall be further reduced by one-quarter (¼) of that specified in the Article VIII, *Tables of Regulations*, Section 197-86 for that portion of a property exceeding two-hundred and fifty (250) percent of the minimum lot area for the district in which the property is situated.

**Section 4. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:**

**§ 197-43.2. Calculation of Floor Area for Single-Family Residences.**

The gross floor area for single-family residences located in one-family districts (i.e. R-1 through R-6) shall be the sum of the horizontal areas of all floors, roofed or covered areas of a residence measured from the exterior of the outside walls. Certain other space shall be counted in the computation of gross floor area for single-family residences as follows:

- A. Voids. Any interior floor area, excluding stairways, with a floor-to-ceiling height in excess of fourteen (14) feet shall be counted twice. In the case of a sloped ceiling, only that portion of the interior floor area shall be counted twice where a theoretical floor above such floor area could be provided and the headroom above such theoretical floor (excluding headroom associated with a sloped ceiling) exceeds seven (7) feet, six (6) inches and the width between existing or theoretical five-foot high knee walls exceeds seven (7) feet.
- B. Attics. Fifty (50) percent of the attic floor area shall be counted in the computation of gross floor area only where the height exceeds seven (7) feet, six (6) inches and the distance between existing or theoretical five-foot high knee walls exceeds seven (7) feet.
- C. Basements. Twenty-five (25) percent of the basement floor area shall be included in the computation of gross floor area only where the pre-existing grade (as defined in § 197-1) abutting the exterior of the basement wall has been reduced by more than three (3) feet to create an exposed wall more than seven (7) feet in height and five (5) feet in width.
- D. Porches. Unenclosed porches at or below the first floor elevation shall not be included in the computation of gross floor area. For the purposes of this regulation, unenclosed porches shall mean any roofed area attached to a building where eighty (80) percent of the outer limits of the area under the porch ceiling, to a point three (3) feet, six (6) inches above the floor of the roofed area, is open to air and having no solid material. Walls, screens, glass, lattice or other similar materials, as well as, structural or architectural elements shall be considered a solid material.

**Section 5. Chapter 197, Zoning, Article V, Lot, Floor Area, Height, Yard and Court Regulations, of the Code of the City of Rye is hereby amended to add the following sub-section:**

**§ 197-46.1. First Floor Elevations for Single-Family Residences.**

The first floor elevation (excluding basements) for single-family residences located in one-family districts (i.e. R-1 through R-6) shall not be more than three (3) feet above the average pre-existing grade (as defined in § 197-1) abutting the front building line of the residence. This provision shall not apply in the following cases:

- A. Area of Special Flood Hazard. Where a residence is situated in an area of special flood hazard, the first floor elevation shall be no less than the minimum floor elevation required to comply with Chapter 100, *Floodplain Management*, of the Rye City Code.
- B. Modifications to Existing Residences. The requirement that the first floor elevation shall not be more than three (3) feet above the average pre-existing grade (as defined in § 197-1) shall not apply where an expansion is proposed to an existing residence that increases the floor area of the first floor by less than fifty (50) percent.
- C. Corner Lots. In the case of a property having frontage on more than one street, the applicant shall have the option of choosing only one front yard in meeting the requirements of this section.

**Section 6. Chapter 197, Zoning, Article VIII, Tables of Regulations, Section 197-86, Table of Regulations: Table A Residence Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended as follows:**

- A. Column 14, *Maximum Height (feet)*, for R-1 and R-2 Districts shall be 32.
- B. Column 14, *Maximum Height (feet)*, for R-3, R-4, R-5 and R-6 Districts shall be 28.
- C. Column 14, *Maximum Height (feet)*, for RT District shall be 28.
- D. Column 14, *Maximum Height (feet)*, for “Single-family house” in the RS District shall be 28.
- E. Column 5, *Maximum Ratio of Floor Area to Lot Area*, shall include a new foot “(j)” at the end of the column heading.

**Section 7. Chapter 197, Zoning, Article VIII, Tables of Regulations, Section 197-86, Table of Regulations: Table A Residence Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended to add the following note:**

- (j) See § 197-43.1 for floor area ratio reductions for single-family residences on oversized properties in one-family districts.

**Section 8.** Chapter 197, Zoning, Article VIII, *Tables of Regulations*, Section 197-86, Table of Regulations: Table C Coastal Districts Area, Yard, Height and Miscellaneous Regulations of the Code of the City of Rye is hereby amended as follows:

- A. Column 14, *Maximum Height (feet)*, for “Single-family house” in the MC District shall be 32.

**Section 9.** This Local Law shall take effect immediately upon filing with the Secretary of State.